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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,069	07/30/2001	Richard Wodzianek	034300-167	2663

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EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/919,069		WODZIANEK, RICHARD	
	Examiner		Art Unit	
	John Walsh		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is response to the amendment filed on March 16th, 2006. Claims 1-24 are presented for further examination. Claims 25- 28 are newly added claims.

Claim Objections

2. Claim 1 objected to because of the spelling mistake "potable". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,430,409 to Rossmann in view of Fasulo, II et al. U.S. Patent Number 5,742,639 (hereinafter Fasulo).

As concerns claim 1, Rossmann discloses a system comprising: a computer (column 8, lines 4-5) operably connected to a network (abstract, line 4; figures 5 and 7), the computer having software (inherent that computer has some form of software such as an operating system) configured to track the status of multiple modem units (multiple cell phones), the software allowing for the production of status check requests (message sent to the cell phones) to be sent

to the multiple modem units; and modem units for portable devices, configured to receive external status check requests from the computer (cell phones adapted to receive the message), each of the modem units being associated with host processors of the respective portable device (processors of computer, cell phone), the modem unit being configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device(response from cell phone).

However, Rossmann does not explicitly disclose each of the modem units being associated with host processors of the respective portable device and configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device.

Fasulo teaches each of the modem units being associated with host processors of the respective portable device (see 38, 40 52, 54, 56 and 59 from Figure 1, Figure 1 is a block diagram of a mobile terminal apparatus and the schematics shows that modem 38 is connected with handset (cell phones) and Fax Machine and processor) and configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device (see block 64, 66, 39, 70 and 68 in Figure 2c, Figure 2c is a schematic block diagram of the digital processing architecture for the signaling [status information] and packet switched modes[in response to the external status check request]).

Therefore, it would have been obvious to one having ordinary skill in the art to reliably receive the attenuated signals in a two-way data communication device consisting cellular telephone, pager, telephone, fax and computer system to communicate with a server computer.

As concerns claims 2, 10 and 19, Rossmann discloses the computer is connected by the Internet to a server (abstract; computer connected to a server and internet).

As concerns claims 3 and 11, Rossmann discloses the server is connected to a cellular network (figure 7).

As concerns claim 4, Rossmann discloses the computer system sends requests across the network through the server, across the cellular network to the individual modem units (figure 7).

As concerns claim 5, Rossmann discloses the modem units receive the requests and transmit status information back across the cellular network to the computer (response from cell phone to the computer; which can be user initiated).

As concerns claims 6 and 12, Rossmann discloses the modem units transmit across a cellular network (inherent that a cellular telephone is transmitting across a cellular network; 710).

As concerns claims 7, 14 and 20, Rossmann discloses the modem units run the UDP protocol (714) over IP.

As concerns claim 8, 15 and 21, Rossmann discloses the modem units do not have a TCP stack at the modem unit (have UDP 714).

As concerns claim 9, Rossmann discloses a computer (column 8, lines 4-5) configured to track the status of multiple modem units (cell phones), said computer producing status check requests to be sent to multiple modem units for portable devices, (messages sent to cell phones from the computer by way of a network), the computer being configured to receive modem status information from the multiple modem units (response message from cell phone to computer; can be user initiated), the modem status information being produced by modem units in response to the status check request without being controlled by host processors of the respective portable devices associated with the modem units (produced at cell phone not at a host processor such as the network computer).

However, Rossmann does not explicitly discloses each of the modem units being associated with host processors of the respective portable device and configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device.

Fasulo teaches each of the modem units being associated with host processors of the respective portable device (see 38, 40 52, 54, 56 and 59 from Figure 1, Figure 1 is a block diagram of a mobile terminal apparatus and the schematics shows that modem 38 is connected with handset [cell phones] and Fax Machine and processor) and configured to reply with modem status

information in response to the external status check request without being controlled by the host processor in the portable device (see block 64, 66, 39, 70 and 68 in Figure 2c, Figure 2c is a schematic block diagram of the digital processing architecture for the signaling [status information] and packet switched modes[in response to the external status check request]).

Therefore, it would have been obvious to one having ordinary skill in the art to reliably receive the attenuated signals in a two-way data communication device consisting cellular telephone, pager, telephone, fax and computer system to communicate with a server computer.

As concerns claim 13, Rossmann discloses the requests are sent from the computer system across the cellular network to the modem unit and the status information is sent from the modem unit across the cellular network to the computer (figure 7).

As concerns claim 16, Rossmann discloses a method comprising: transmitting modem status requests to modem units for portable devices across cellular network (a message from a network computer; figure 7), each of the modem units being associated with a host processor of the corresponding portable device; at each modem unit, determining whether the status request is for that modem unit and, if so, constructing a modem status response and transmitting a wireless response from modem unit (a message sent to the network computer from a cell phone after receiving message from the network computer) without being controlled by the host processor; receiving modem

status responses from a number of modem units (network can have multiple cell phones) and producing a display for a group of modem units (inherent that network computer has a display such as a monitor wherein the message responses from the cell phones can be viewed).

However, Rossmann does not explicitly disclose each of the modem units being associated with host processors of the respective portable device and configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device.

Fasulo teaches each of the modem units being associated with host processors of the respective portable device (see 38, 40, 52, 54, 56 and 59 from Figure 1, Figure 1 is a block diagram of a mobile terminal apparatus and the schematics shows that modem 38 is connected with handset (cell phones) and Fax Machine and processor) and configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device (see block 64, 66, 39, 70 and 68 in Figure 2c, Figure 2c is a schematic block diagram of the digital processing architecture for the signaling [status information] and packet switched modes[in response to the external status check request]).

Therefore, it would have been obvious to one having ordinary skill in the art to reliably receive the attenuated signals in a two-way data communication

device consisting cellular telephone, pager, telephone, fax and computer system to communicate with a server computer.

As concerns claim 17, Rossmann discloses the modem status requests are transmitted to the modem units across the cellular network (710).

As concerns claim 18, Rossmann discloses the modem status requests are sent from a computer to the modem units (two way communication such that the computer can send a message, status request, to the cell phones, modem units).

As concerns claims 22-24, Rossmann discloses the modem status information comprises at least one of: modem unit identification information (inherent for message to have a source address/location which can be a unit ID).

As concerns claim 25, Fasulo teaches that each of said modem units is further configured to reply to the host processor with modem status information, in response to a local check request from the host processor (see block 64, 66, 39, 70 and 68 in Figure 2c, Figure 2c is a schematic block diagram of the digital processing architecture for the signaling [status information] and packet switched modes [in response to the external status check request]).

As concerns claim 26, Rossmann discloses said modem units include a modem status memory (on board memory capacity for cellular devices inherits modem units include a modem status memory column 4, lines 42-48, column 10, line 53 – column 11, line 16).

As concerns claim 27, Rossmann discloses a portable device (cell phones) comprising: a host processor adapted to process data and to generate messages (inherits processor associated with cell phones); and a modem unit associated with said host processor (inherits processor and modem associated with cell phones), said modem unit configured to receive an external status check request from an external computer over a communication network, and to reply to the external computer with modem status information in response to the status check request, without being controlled by the host processor.

However, Rossmann does not explicitly disclose said modem unit configured to receive an external status check request from an external computer over a communication network, and configured to reply with modem status information in response to the external status check request without being controlled by the host processor in the portable device.

Fasulo teaches said modem unit configured to receive an external status check request from an external computer over a communication network, and to reply to the external computer with modem status information in response to the status check request, without being controlled by the host processor (see block 64, 66, 39, 70 and 68 in Figure 2c, Figure 2c is a schematic block diagram of the digital processing architecture for the signaling [status information] and packet switched modes [in response to the external status check request]).

Therefore, it would have been obvious to one having ordinary skill in the art to reliably receive the attenuated signals in a two-way data communication

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device consisting cellular telephone, pager, telephone, fax and computer system to communicate with a server computer.

As concerns claim 28, Rossmann discloses a portable device further comprising a modem status memory (on board memory capacity for cellular devices inherits portable device further comprising a modem status memory column 4, lines 42-48, column 10, line 53 – column 11, line 16).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

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of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN WALSH
PRIMARY EXAMINER